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Attorneys for Plaintiffs/Counter-Defendants

CDx Diagnostics, Inc. and

Shared Medical Resources. LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CDX DIAGNOSTICS, INC., and
SHARED MEDICAL RESOURCES, LLC,

Plaintiffs,

v.

HISTOLOGICS, LLC, et al.,

Defendants.

AND RELATED COUNTERCLAIM

Case No. CV13-07909 DOC (RNBx)
Hon. David O. Carter

**JOINT STIPULATION AND
REQUEST FOR COURT TO
REFRAIN FROM RULING ON
PLAINTIFFS' MOTION TO STAY
THIS ACTION PENDING *INTER*
PARTES REVIEW OF '044 PATENT
UNTIL JANUARY 5, 2015**

1 WHEREAS, on November 19, 2014, Plaintiffs and Counter-Defendants CDx
2 Diagnostics, Inc. and Shared Medical Resources, LLC (“Plaintiffs”) filed their Motion to
3 Stay Pending Final Resolution of an *Inter Partes* Review Proceeding (“IPR”) filed by a
4 third party and instituted by the Patent Trial and Appeal Board in regards to the U.S. Patent
5 No. 6,258,044 (“the ‘044 Patent”), the same patent at issue in this lawsuit;

6 WHEREAS, on December 4, 2014, Defendant and Counter-Claimant Histologics,
7 LLC (“Defendant”) filed its Response in Opposition to said Motion;

8 WHEREAS, on December 8, 2014, Plaintiffs filed their Reply to said Response;

9 WHEREAS, Plaintiffs’ motion for a stay was set for hearing on Monday, December
10 22, 2014 at 8:30 a.m. and this Court has now removed it from oral argument;

11 WHEREAS, the Parties are working diligently to settle the matter, are making
12 significant progress in this area, and have reached what the Parties believe is an agreement
13 in principle on most of the critical issues;

14 WHEREAS, the Parties believe that they and the Court will benefit from a
15 postponement of the both the oral argument and a ruling on the motion as the parties
16 attempt to resolve this matter;

17 WHEREFORE, the Parties jointly stipulate and respectfully request that this Court
18 refrain from ruling on the motion to stay for a period of two weeks, to January 5, 2015, or
19 such earlier date as the Parties may advise this Court.

20 If the Parties reach a final resolution in the interim, or fail to do so and terminate
21 negotiations, the Parties will advise this Court.

22
23 Dated: December 17, 2014

ONE LLP

24 By: /s/ Nathaniel Dilger
25 Nathaniel L. Dilger, Esq.
26 -and-

LEVISOHN BERGER LLP

27 By: /s/ Peter Berger
28 Peter L. Berger (*Pro Hac Vice*)
Attorneys for Plaintiffs and Counter-Defendants

1 Dated: December 17, 2014

HARNESS, DICKEY & PIERCE, P.L.C.

2
3 By: /s/ Steven E. Holtshouser
4 Steven E. Holtshouser, Esq. (*Pro Hac Vice*)
5 *Attorneys for Defendant and Counter-Claimant,*
Histologics, LLC

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